



2000 1043608 Clallam County

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VOL. PAGE 12  
KENT FOSTER, AUDITOR  
CLALLAM COUNTY, WASH.

BY KLH DEPUTY

**Return Address**

U.S. Department of Interior  
National Park Service  
909 1<sup>st</sup> Ave., 5<sup>th</sup> Floor  
Seattle, Washington 9810-1060  
Attention: Land Resources Division

046822  
CLALLAM COUNTY  
TRANSACTION EXCISE TAX 0

DATE PAID FEB 29 2000

AMOUNT  
COUNTY TREASURER  
BY G. Joun

76837

**Document Title(s) (or transactions contained therein):**

1. Statutory Warranty Deed
2. Easement
3. Assignment of Lease

**Reference Number(s) of Documents assigned or released:**  
(on page \_\_\_ of documents(s))

**Grantor(s) (Last name first, then first name and initials):**

1. Fort James Operating Company, a Virginia corporation

**Grantee(s) (Last name first, then first name and initials):**

1. United States of America

**Legal description (abbreviated: i.e. lot, block, plat or section, township, range)**

Ptns Sections 15, 21, 22 and 28-30-7; Ptn. S 1/2 17-29-7

Full legal is on pages \_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**

073015-120000; 073015-240000; 073015-320000; 073015-420000; 073021-110000; 073021-340000;  
073022-210000; 073022-320000; 073028-110000; 073028-130050; 073028-210000; 073028-230000;  
073028-430000; 072917-430000; 072917-430100  
073033-210000 (property affected by easement)

## STATUTORY WARRANTY DEED

GRANTOR, FORT JAMES OPERATING COMPANY, a Virginia corporation formerly known as James River Paper Company, Inc., successor by merger of James River II, Inc., pursuant to the dictates of Public Law 102-495, 106 Stat. 3173, referred to as the Elwha River Ecosystem and Fisheries Restoration Act of 1992 (the "Act"), and in consideration of the sum of TWENTY-NINE MILLION FIVE HUNDRED THOUSAND DOLLARS in hand paid, receipt of which is hereby acknowledged, convey and warrants to the UNITED STATES OF AMERICA ("GRANTEE") and its assigns, the following-described real property situated in Clallam County, Washington, being the real property that is a part of the Elwha Project and the Glines Project as defined in the Act, together with all improvements and fixtures that are a part of the real property:

### PARCEL A:

1. The West Half of the Northeast Quarter;

EXCEPT portion conveyed to Clallam County for roadway purposes by deed recorded under Auditor's File No. 323201, records of said county;

AND EXCEPT portion conveyed to State of Washington for highway purposes by deed recorded under Auditor's File No. 406608 and 409028;

AND EXCEPT right of way for road conveyed to Clallam County by instrument recorded under Auditor's File No. 323201;

2. ALSO, the North Half of the Northwest Quarter of the Southeast Quarter; and the Southwest Quarter of the Northwest Quarter of the Southeast Quarter;

EXCEPT that portion conveyed to State of Washington by deed recorded in Volume 116 of Deeds, page 4;

AND EXCEPT that portion, if any, lying Southeasterly of Highway 101;

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3. ALSO, Government Lots 2, 3 and 4; the Southwest Quarter of the Southwest Quarter; and the East Half of the East Half of the Northwest Quarter of the Southwest Quarter;

EXCEPT portion of said Lot 4 conveyed to State of Washington for Olympic Highway (U.S. 101) by deed recorded under Auditor's File No. 335274, records of said county.

All of the above in Section 15, Township 30 North, Range 7 West, W.M. Clallam County, Washington.

Situate in the County of Clallam, State of Washington.

**PARCEL B:**

The Northeast Quarter of the Northeast Quarter;

The South Half of the Northeast Quarter;

The Southeast Quarter; AND

The Southeast Quarter of the Southwest Quarter;

All in Section 21, Township 30 North, Range 7 West, W.M., Clallam County, Washington.

EXCEPT that portion of the Southeast quarter of the Southwest quarter and of the Southwest quarter of the Southeast quarter conveyed to Clallam County for a public boat launching site;

TOGETHER WITH an access right of way leading thereto by deed recorded March 18, 1968, under Clallam County Auditor's File No. 379986, records of Clallam County, Washington.

Situate in the County of Clallam, State of Washington.

**PARCEL C:**

Government Lots 1 and 2; and the West Half of the Northwest Quarter; and the Northwest Quarter of the Southwest Quarter of Section 22, Township 30 North, Range 7 West, W.M., Clallam County, Washington;

EXCEPTING THEREFROM those strips of land of varying widths as conveyed to the State of Washington by instruments recorded under Auditor's File Nos. 117464 and 335274.

Situate in the County of Clallam, State of Washington.

**PARCEL D:**

1. The Northeast Quarter of the Northwest Quarter;

EXCEPT portion conveyed to Clallam County for access right of way by deed dated March 5, 1968 and recorded under Auditor's File No. 379986;

2. ALSO, the North Half of the Northeast Quarter;

The Southwest Quarter of the Northwest Quarter lying North of the right of way for U.S. Highway 101;

The Southwest Quarter of the Northeast Quarter; and the West Half of the Southeast Quarter of the Northeast Quarter;

EXCEPT that portion of the Southwest Quarter of the Northeast Quarter conveyed to the State of Washington for highway purposes by deed recorded in Volume 114 of Deeds, on page 433, and by deed recorded August 11, 1954, under Auditor's File No. 281762, records of said county;

AND EXCEPT that part of the Northeast Quarter of the Northeast Quarter AND of the West Half of the Southeast Quarter of the Northeast Quarter conveyed to the State of Washington by deed recorded July 23, 1927 under Auditor's File No. 117464;

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AND EXCEPT that part of the Southwest quarter of the Northwest quarter conveyed to the State of Washington by deed recorded June 13, 1936 under Auditor's File No. 168264;

AND EXCEPT that portion of the West half of the Southeast Quarter of the Northeast Quarter conveyed to the State of Washington for highway purposes by deed recorded December 22, 1961 under Auditor's File No. 331631, records of said county;

AND EXCEPT that portion of the Northeast Quarter of the Northeast Quarter conveyed to the State of Washington for highway purposes by deed recorded July 19, 1962 under Auditor's File No. 335274, records of said county;

AND EXCEPT that portion of Southwest Quarter of the Northeast Quarter and of the said West Half of the Southeast Quarter of the Northeast Quarter which lies South of the Southerly right of way line of Olympic Highway (now Highway 101), Easterly of the ordinary high water on the East bank of the Elwha River and West of the Westerly right of way line of the Elwha River road, also known as Little River Road;

AND EXCEPT that portion of the said Southwest Quarter of the Northeast Quarter, described as follows:

Beginning at a point on the North right of way line of U.S. Highway 101 which is North 1°05'7" East, 588.57 feet from the center of Section; thence continuing North 1°05'7" East, 521.43 feet;

thence South 84°32'22" East, 48.92 feet;

thence South 1°00'00" West, 524.31 feet;

thence North 81°18'41" West, 50.00 feet to the Point of Beginning, being a tract of land conveyed to Murray E. Gliddon and Phyllis Gliddon by deed recorded July 6, 1981, under Auditor's File No. 521542;

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TOGETHER WITH an easement 10.0 feet wide, 250.0 feet long for a road extending Northerly from the North line of said Highway 101, the East line of which is the East line of said Gliddon Tract;

AND EXCEPT that portion of said Southwest Quarter of the Northeast Quarter, described as follows:

Beginning at a point which is North 1°05'07" East, 69.71 feet from the center of Section;

thence continuing North 1°05'07" East, 357.44 feet to a point on the South right of way line of U.S. Highway 101;

thence South 81°18'41" East, 96.03 feet;

thence South 5°35'43" West, 367.60 feet;

thence North 70°45'58" West, 69.75 feet to the Point of Beginning;

AND EXCEPT County Road No. 39260 known as the Elwha River Road, Also known as Little River Road;

3. ALSO, that part of the West Half of the Southeast Quarter lying Westerly of the Elwha River.

All of the above in Section 28, Township 30 North, Range 7 West, W.M., Clallam County, Washington.

Situate in County of Clallam, Washington.

**PARCEL E:**

The East half of the Southwest quarter and the West half of the Southeast quarter of Section 17, Township 29 North, Range 7 West, W.M., Clallam County, Washington.

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**TOGETHER WITH:** Grantor's right, title and interest in and to water rights appurtenant to the property described as Parcels A, B, C, D and E (collectively, the "Property").

**AND TOGETHER WITH:** a perpetual, non-exclusive easement (the "Transmission Line 3 Easement") over, along, across and through a strip of land 100 feet in width located on the property described below (the "Transmission Line 3 Easement Property") for the purpose of maintaining, using, repairing, replacing, removing and relocating the existing electrical towers and power poles and lines constituting a part of the transmission line commonly known as Line 3, together with all appurtenant and necessary or convenient facilities, fixtures, wires and equipment, and together with the right to control vegetation within the strip for purposes of preventive line maintenance, and together with such access rights as may be reasonably necessary for the purposes of this easement. The Transmission Line 3 Easement Property is more particularly described as the East half of the Northwest Quarter of Section 33, Township 30 North, Range 7 West, W.M., Clallam County, Washington EXCEPT that portion thereof conveyed to Clallam County by deed dated November 1, 1957, recorded November 20, 1957 under Clallam County Auditor's File No. 305264 and SUBJECT TO all matters of record. The centerline of the Transmission Line 3 Easement shall be the centerline of Line 3 as presently located on the Transmission Line 3 Easement Property.

**AND TOGETHER WITH:** a perpetual, nonexclusive easement over, along, across and through the property described below (the "Gauge Station Easement Property") for the purpose of maintaining, using, operating, repairing, replacing and removing the existing water monitoring and gauging station known as the McDonald Gauge Station in its present location (the "Gauge Station Easement"), and together with such access rights as may be reasonably necessary for the purposes of this easement. The Gauge Station Easement shall expire automatically upon permanent termination of use of the existing McDonald Gauge Station. The Gauge Station Easement Property is more particularly described as the Northeast quarter of the Northwest Quarter of Section 33, Township 30 North, Range 7 West, W.M., Clallam County, Washington EXCEPT that portion thereof conveyed to Clallam County by deed dated November 1, 1957, recorded November 20, 1957 under Clallam County Auditor's File No. 305264 and SUBJECT TO all matters of record.

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**AND TOGETHER WITH:** a perpetual, nonexclusive easement over, along, in, across and through the property described below (the "Flowage Easement Property") for the purpose of raising or lowering the waters of Lake Aldwell as may be necessary for the continued operation of the Elwha and Glines Canyon Dams and as may be necessary for the restoration of the course of the Elwha River as authorized by the Act. The Flowage Easement Property is more particularly described as the East half of the Northwest Quarter of Section 33, Township 30 North, Range 7 West, W.M., Clallam County, Washington EXCEPT that portion thereof conveyed to Clallam County by deed dated November 1, 1957, recorded November 20, 1957 under Clallam County Auditor's File No. 305264 and SUBJECT TO all matters of record.

**AND TOGETHER WITH:** all of Grantor's right, title and interest in and to that certain Lease Agreement by and between James River Corporation of Nevada as landlord and Willard J. Cargo and Deborah L. Cargo, husband and wife, and Cyril G. Barber and Barbara A. Barber, husband and wife, collectively as tenant, as amended by Addendum and Extension Rider dated November 26, 1996, with respect to the real property more particularly described as follows (the "Elwha Resort Lease"):

Beginning at the point where the North line of the right of way of State Highway No. 9 intersects the easterly meander line of the Elwha River as flooded; thence northerly along said meander line of the Elwha River and continuing northerly along the easterly meander line of Lake Aldwell, as flooded, a total distance or approximately 1,450 feet, more or less, as measured along said meander line, from the point of beginning to a point on the northerly side of an existing "Fishing Ramp"; thence East approximately 100 feet; thence South approximately 650 feet to a point on the northwesterly line of the right of way of an existing utility line; thence southwestly, along the northwesterly line of said utility line right of way, approximately 500 feet to a point on a line which runs East and West and which line is North approximately 300 feet distant, when measured at right angles thereto, from the point of beginning; thence East along said East-West line, to a point on the West line of the right of way of said State Highway No.9; thence southerly and westerly along the right of way line said State Highway No. 9 to the point of beginning.

**ALL OF THE FOREGOING BEING SUBJECT TO:**

1. Rights of the State of Washington in and to that portion of the bed or former bed of the Elwha River, if navigable. *me*
2. Rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.
3. Rights of way for Olympic Hot Springs Road (aka Elwha Valley Road, No. 30380) disclosed by instruments recorded under Auditor's File Nos. 578096 and 578097.
4. Easement, including its terms, covenants and provisions as disclosed by instrument recorded under Recording No. 174580, records of Clallam County, Washington.
5. Easement, including its terms, covenants and provisions as disclosed by instrument recorded under Recording No. 759858, records of Clallam County, Washington.
6. Easement, including its terms, covenants and provisions as disclosed by instrument recorded under Recording No. 760013, records of Clallam County, Washington.
7. Agreement, including its terms, covenants and provisions recorded under Recording No. 456202, records of Clallam County, Washington.
8. Easement, including its terms, covenants and provisions as disclosed by instrument recorded under Recording No. 1043518, records of Clallam County, Washington.
9. Terms and conditions of the Elwha Resort Lease.

**TO HAVE AND TO HOLD** the above granted and described premises, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any way appertaining, unto Grantee and its assigns forever.

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Grantor further remises, releases, and forever quitclaims to Grantee, and its assigns, all right, title and interest which Grantor may have in the banks, beds and waters of any streams bordering the said land conveyed and also all interest in any alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

And Grantor further remises, releases and forever quitclaims to Grantee, and its assigns, all oil, gas, coal and other minerals and mineral deposits, all rights and easements to raise or lower the waters of Lake Aldwell, and all reversions and rights of reverter that are reserved in that certain deed recorded in the records of Clallam County, Washington under Auditor's File No. 379986, together with all after-acquired title of Grantor therein.

Grantor further quitclaims to Grantee any interest that Grantor may have in and to the following:

(a) Easements or rights of way for transmission lines as described in documents recorded in (i) Book 97 of Deeds, Page 420, (only that portion affecting the Southwest quarter of the Southeast quarter of Section 15, Township 30 North, Range 7 West, Willamette Meridian, (ii) Auditor's File No. 109175, (iii) Auditor's File No. 112832, (iv) Auditor's File No. 112441, and (v) Auditor's File No. 112443, all records of Clallam County, Washington;

(b) Any other easements or rights of way for transmission lines associated with Line 3 as it is presently located in Sections 15, 21, 22, 28 and 33, Township 30 North, Range 7 West, and Sections 4, 5, 9, 16, 17, Township 29 North, Range 7 West, W.M., Clallam County, Washington, and as Line 3 may be located in Section 27, Township 30 North, Range 7 West, W.M., Clallam County, Washington;

(c) Riparian and overflow rights as necessary for the continued operation of the Elwha River Dam as described in document recorded in the records of Clallam County, Washington under Auditor's File No. 445953; and

(d) Easements described in documents recorded in the records of Clallam County, Washington under Auditor's File Nos. 760013 and 759858.



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IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



*Amy D. Sutherland*

(Signature of Notary)

Amy D. Sutherland

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State  
of ILLINOIS, residing at Deerfield.  
My appointment expires: 1-4-2004.